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RemarksClaim Rejection Under 35 USC § 103

Applicants have carefully considered the Examiner's comments in relation to the prior art and cannot agree with the Examiner's understanding of the teaching of Stilp cited newly in the previous office action and Labeledz cited newly in the present office action.

Stilp is concerned with a location system operating in parallel with a plurality of mobile telephone cellular networks. It does not interact with or control the networks. It is intended for use as an emergency location system. All of the portions of Stilp referred to by the Examiner relate to the signal collection system 10 (SCS) which merely listens in on the networks. There is no fixed frequency plan (the portion referred to by the Examiner in column 10 at lines 53-54 refers simply to a TDMA base station, the signals of which the SCS may collect in order to determine the location of a cell phone operating under that TDMA system). The calibration system referred to by the Examiner relates to "station bias" which is "defined as the finite delay between when an RF signal from a wireless transmitter reaches the antenna and when that same signal [reaches] the" SCS 10. The calibration is concerned with timing which is necessary in order to determine the location of a cell phone. It has nothing to do with selecting a chosen base station or selecting a channel for communication or determining the level of link performance.

Stilp is not concerned with the operation of any sort of cellular radio system. It is concerned solely with eavesdropping on such a system to determine the location of mobile subscribers.

The Examiner is referred to column 7 lines 16-33 in which is explained that each SCS is preferably installed at a wireless carrier cell site and operates in parallel to a base station. The Examiner is further referred to column 9 at line 60 onwards where it is explained that the wireless location system depends upon the accurate determination of time at all SCSs contained within the network. Column 10 at line 20 onwards explains that the SCS 10 has been designed to support multiple frequency bands and multiple carriers with equipment located at the same cell site. Again in the same column at line 43 it is explained that each SCS 10 has the ability to receive a transmission on any RF channel on which the transmission may originate.

The title of the patent makes it clear that Stilp refers to a "calibration for wireless location system". The field of the invention is described as relating "generally to methods and apparatus for locating wireless transmitters such as those used in analog or digital cellular systems . . . ". In these terms, the phrase "locating" is not used to mean selecting locations for wireless transmitters but rather it means finding the location of wireless transmitters.

Stilp has nothing to do with a method of deploying "a fixed wireless access communications network" and teaches nothing about determining the performance of such a network. The combinations of teaching made by the Examiner make no technical sense.

Turning to newly cited Labedz, it is noted that this describes an addition to a very old analog cell phone system (AMPS). It merely refers to the use of a voice channel as a data channel at a rate of up to 9.6 kbps. The Examiner claims that Labedz discloses fixed base stations and fixed subscriber stations. This is incorrect.

Labedz has only fixed base stations. At line 14 of column 4 (the portion referred to by the Examiner) the fixed transmitters and receivers are "fixed base station radios . . . ". This does not refer to the subscriber station. The subscriber equipment is moving (see for example column 5 lines 7-9 "subscriber equipment motion . . . ", column 6 line 44 "as subscribers travel" and see column 11 lines 47-50 "from time to time the customer subscriber equipment may move out of the optimum range of radio coverage from one cell". Labedz clearly shows mobile subscriber equipment and adds nothing to the teaching of Rappaport. It teaches much about the basics of an AMPS cell phone network but given that it is over 20 years old is concerned only with the then-new concept of transmitting data using a cell phone network.

The Examiner admits on page 3 that Rappaport does not disclose steps (i) to (v) of claim 1. However, it follows from the above that none of these steps are disclosed by Stilp or Labedz. Thus the combination made by the Examiner fails to disclose any of steps (i) to (v) of claim 1.

Accordingly, the Examiner has failed to show that claim 1 would have been obvious. The rejection of claim 1 as being obvious is therefore respectfully traversed.

The claims depending from claim 1 also are non-obvious by virtue of their dependencies but some brief comments are made below for the Examiner's assistance.

In connection with claim 3, as noted above, Stilp does not show a fixed frequency plan. The portion referred to by the Examiner merely refers briefly to a frequency plan used in a conventional TDMA cell phone network.

In connection with claim 5, the portion referred to by the Examiner has nothing to do with keeping a subscriber on hold. It is assumed that the Examiner may be referring to the bottom two left-most steps in the flow diagram of Figure 2 C-1. The upper one of these boxes merely relates to the SCS (which it will be noted is simply listening in parallel to transmissions on a plurality of cell phone networks) waiting until a good enough signal is received to perform position determination. The lowest of the two boxes relates to a command to cause a voice channel to switch to data transmission using the AMPS so-called "blank and burst" technique. This technique is explained in column 6 line 13 of Labedz.

It will be noted that the system of Stilp is not a fixed wireless access communications network. Accordingly, the step of waiting at the SCS for a better signal cannot be a step of causing a subscriber station to be put on hold since the system of Stilp has no control over subscriber stations – it is merely listening to an existing cell phone system over which it has no control.

In connection with claim 13, the Examiner has ignored the limitation that the calculated value should be  $C/(I+A+N)$ . The Examiner has failed to find this teaching in Rappaport or any of the other prior art.

In connection with claim 15, as noted above Stilp does not disclose a fixed frequency plan for its wireless system.

In connection with claims 17 and 18, the comments given above in connection with claim 1 also apply and this rejection is respectfully traversed.

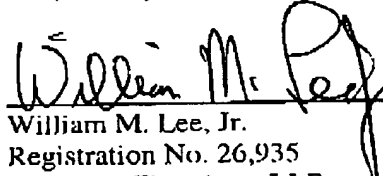
Similar comments apply to claim 19.

The Examiner has accepted claim 14 and 21 as being in allowable form.

All other rejections are respectfully traversed for the reasons given above, and given the above, it is submitted that the application is in condition for allowance. Such action is solicited.

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Respectfully submitted,

  
William M. Lee, Jr.  
Registration No. 26,935  
Barnes & Thornburg LLP  
P.O. Box 2786  
Chicago, Illinois 60690-2786  
(312) 214-4800  
(312) 759-5646 (fax)

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